	Application No.	Applicant(s)
Notice of Non-Compliant Amendment (37 CFR 1.121)	10/518,960	LIEBL ET AL.
	Examiner	Art Unit	
	Joseph D. Torres	2112	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on <u>24 December 2008</u> is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

☐ 1. Amendments to the specification:
    ☐ A. Amended paragraph(s) do not include markings.
    ☐ B. New paragraph(s) should not be underlined.
    ☐ C. Other _____.

☐ 2. Abstract:
    ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
    ☐ B. Other _____.

☐ 3. Amendments to the drawings:
    ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
    ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
    ☐ C. Other _____.

☐ 4. Amendments to the claims:
    ☐ A. A complete listing of all of the claims is not present.
    ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
    ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
    ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
    ☐ E. Other: _____.

☒ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):
    <u>See Continuation Sheet</u>

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.

2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

    <u>Extensions of time</u> are available under 37 CFR 1.136(a) <u>only</u> if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

    <u>Failure to timely respond</u> to this notice will result in:
      Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or
      Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

/Joseph D Torres/ Primary Examiner, Art Unit 2112	

Continuation of 5 Other: The amendment filed on 11/24/2008 substantially canceling all subject matter drawn to the elected invention and presenting only new subject matter in claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because the newly amended claims are directed to "receiving a sequence of data" and not decoding. Previous claim 56 recited, "Claim 56 (previously presented): A method for decoding a sequence of digital data, the method comprising: receiving a first data packet at a first time; receiving a second data packet at a second time, the second time being subsequent to the first time; receiving a third data packet at a third time, the third time being subsequent to the second time; receiving a fourth data packet at a fourth time, the fourth time being one of subsequent to the third time and prior to the first time; storing the first data packet, the first data packet including a first sequential number and a first block identifier; storing the second data packet, the second data packet including a second sequential number and a block width; storing the third data packet, the third data packet including a third sequential number and a second block identifier; and storing the fourth data packet, the fourth data packet including a fourth sequential number and the block width, wherein a data block corresponds to a portion of the sequence of digital data, the data block including the first data packet, the second data packet, the third data packet, and the fourth data packet" [Emphasis added]. The highlighted subject matter has been cancelled and replaced with en entirely different invention directed to "receiving a sequence of data".

The Applicant needs to cancel all newly added subject matter and reinstate the previous invention in its entirety.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE. .